REMARKS

The present amendment is in response to the Office Action dated August 12, 2005, where the Examiner has rejected claims 1-23. By the present amendment, claims 1, 4-6, 9, 10, 13, 15, 20, and 21 have been amended. Claims 1-23 are thereby pending in the present application. Reconsideration and allowance of pending claims 1-23 in view of the amendments and the following remarks are respectfully requested.

A. Response to Objection to the Drawings

In paragraphs 2-4 of the Office Action, the Examiner objected to the drawings, finding the step of "storing accessory control data in the accessory without connection to the electronic device" is not shown as claimed in claims 5 and 10. The applicant respectfully submits that this objection is moot in view of the amendments made to claims 5 and 10.

B. Response to Rejection of Claims 1-23 under 35 USC §112

In paragraphs 5 and 6 of the Office Action, the Examiner rejected claims 1-23 under 35 USC. §112, first paragraph, as failing to comply with the written description requirement. The Examiner found that the Specification inadequately originally supported "storing the control data and/or accessory ID with connection to the communication device" as stated in claims 1, 5, 10, 15, 20, and 21. The applicant respectfully submits that this objection is moot in view of the amendments made to claims 1, 5, 10, 15, 20, and 21.

C. Response to Rejection of claims 1-4 and 10-19 under 35 USC §103

In paragraphs 7-10 of the office action, the Examiner rejected claims 1-4 and 10-19 under 35 USC 103(a) as being unpatentable over Nordwall (USPN 6,097,943) in view of Lee '413. The applicant respectfully submits that amended independent claims 1, 10 and 15 have limitations that are not disclosed or suggested by Nordwall and Lee, either alone or in combination. Accordingly, the

applicant believes that no prima facie case of obviousness can be sustained for claims 1-4 and 10-19.

The applicant has amended independent claim 1 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. Dependent claim 4 has been amended to provide consistent antecedent basis with claim 1. The applicant has also amended independent claim 10 to indicated that the control data is more clearly identified as "software code, patches, or update". Dependent claim 13 has been amended to provide consistent antecedent basis with claim 10. Applicant has also amended independent claim 15 to indicated that the control data is more clearly identified as "software code, patch, or update".

The accessories of claims 1 and 15 and the method of claim 10 are arranged to enable proper and up-to-date control software to be provided to a communication device. *See Specification, paragraphs 13 and 27.* This enables new accessories to be introduced, or existing accessories to be improved, with the new or modified accessory software provided to the communication device by the accessory itself. *See Specification, paragraph 13 and 27.* The accessory memory comes pre-loaded with software, software patches, or software updates that enable a communication device to download and operate the "most up to date" software code. *See Specification, paragraph 14.* In this way, the accessory has the new or improved software code already stored in the accessory memory, without prior connection to the communication device. *See Specification, paragraph 14. ("New accessories may be released, after the release or purchase of the electronic device, that contain the most up to date control data"),* For example, a communication device may be sold with pre-stored software code. At a later time, a new accessory may be introduced, and the existing software code in the communication device is no longer up to date, and will not fully operate the new accessory. *See Specification, paragraph 13.* Using the claimed devices or method, new or improved software code is provided to the communication device by the accessory itself. *See Specification, paragraph 14.* Stated differently, the

accessory itself becomes the vehicle to distribute new or improved operating software to the communication device. More particularly, the accessory holds or stores the new or updated software code without ever having first connected to the communication device it may eventually operate with. For example, the accessory has the new or updated software code pre-stored when it is released. *See Specification, paragraph 14.* When the accessory is eventually connected to the communication device, then the new or improved software code may be transferred from the accessory to the communication device. *See Specification, paragraph 15.* After uploading the software code from the accessory, the communication device may use the new or improved software code to operate or control the accessory. *See Specification, paragraph 15.*

Nordwall fails to disclose or suggest any structure that has an accessory with memory configured to store control <u>software code, patches, or updates for use by the accessory's electronic device</u>. Instead, the Nordwall device has a memory for storing parameter values calculated by the processor in the communication station *(See, Nordwall, Abstract)*. Further, the values stored in the Nordwall accessory are values that have been calculated by the mobile subscriber unit which are set according to the environment in which the accessory is used. *See, col. 2, ln. 61 to col. 3. ln. 12.* Since the Nordwall values are calculated according to a current environment or condition, the values can not be considered operational software code.

Lee does not overcome the deficiencies cited for Norwall. Instead of disclosing the limitations of claims 1, 10 and 15, Lee has a communication mobile unit 2020 that has a receiver 2031. *See, Lee, Fig. 20B and col. 31, ln. 35 to col. 32, ln. 36.* The mobile unit 2020 stores a TSI master file, and updates it based on the received TSI. *See, Lee, Fig. 20B and col. 32, lns. 3 to 6.* More particularly, in the mobile unit 2020, the traffic information is wirelessly received, and used to update the master file in RAM 2025 of the mobile unit. *See, Lee, Fig. 20B and col. 32, lns. 22 to 30.* In this way, the TSI (Traffic State Information), is merely a set of data values, and is not operational software code.

Thus, none of the detailed descriptions of communications between the mobile unit 2020 and the base unit 2040, as discussed above, disclose an accessory that has a memory for storing software code for use by the communication device. Since neither Lee nor Nordwall disclose this limitation, the cited references are incapable of rendering claims 1-4 and 10-19 obvious.

D. Response to Rejection of claims 5-9 and 20 under 35 USC §103

In paragraph 11 of the office action, the Examiner rejected claims 5-9 and 20 under 35 USC 103(a) as being unpatentable over Nordwall (USPN 6,097,943) in view of Peng '944). The applicant respectfully submits that amended claims 5-9 and 20 have limitations that are not disclosed or suggested by Nordwall and Peng, either alone or in combination. Accordingly, the applicant believes that no prima facie case of obviousness can be sustained for claims 5-9 and 20.

The applicant has amended independent claim 5 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. Dependent claims 6 and 9 have been amended to provide consistent antecedent basis with claim 5. In a similar manner, applicant has amended independent claim 20 to indicated that the control data is more clearly identified as "software code, patch, or update". For the reasons similar to those discussed in Section C, above, the applicant submits that Nordwall fails to disclose all the limitations in independent claims 5 and 20, including limitations directed to storing control software code, patches, or updates in the accessory for use in controlling an associated electronic device. Further, the applicant submits that Peng does not overcome the deficiencies cited for Norwall. Instead of disclosing the limitations of claims 5 and 20, Peng merely provides a system for updating files in a mobile device by wirelessly downloading data directly to the mobile device from a network or from communication servers. See Peng, col. 2, lns. 1-15. Thus, Peng does not teach or suggest storing software code in an accessory memory, and using the accessory to provide updated software code

to the electronic device. Accordingly, the applicant respectfully submits that claims 5-9 and 20 are not rendered obvious over Nordwall in view of Peng.

E. Response to Rejection of claims 21-23 under 35 USC §103

In paragraph 12 of the office action, the Examiner rejected claims 21-23 under 35 USC 103(a) as being unpatentable over Nordwall (USPN 6,097,943) in view of Lee (USPN 6,532,413) and Peng (USPN 6,816,944). The applicant respectfully submits that amended claims 21-23 have limitations that are not disclosed or suggested by Nordwall, Lee, and Peng, either alone or in combination. Accordingly, the applicant believes that no prima facie case of obviousness can be sustained for claims 21-23.

The applicant has amended independent claim 21 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. For the reasons similar to those discussed in sections C above, the applicant submits that Nordwall fails to disclose all the limitations in claim 21. The applicant also submits that Lee does not overcome the deficiencies cited for Norwall, for reasons similar to those discussed in Section C above. Further, the applicant submits that Peng does not overcome the deficiencies cited for Norwall, for reasons similar to those discussed in Section D above. Accordingly, the applicant respectfully submits that independent claim 21, and its dependent claims 22 and 23 are not rendered obvious over Nordwall in view of Lee and Peng.

F. Response to Rejection of claims 1,2,4,10-13,15,16,18, and 19 under 35 USC §103

In paragraph 13 of the office action, the Examiner rejected claims 1,2,4,10-13,15,16,18, and 19 under 35 USC 103(a) as being unpatentable over Grimmett (USPN 5,259,018) in view of Lee (USPN 6,532,413). The applicant respectfully submits that amended independent claims 1, 10 and 15 have

limitations that are not disclosed or suggested by Grimmett and Lee, either alone or in combination. Accordingly, the applicant believes that no prima facie case of obviousness can be sustained for claims 1,2,4,10-13,15,16,18, and 19.

The applicant has amended independent claim 1 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. Dependent claim 4 has been amended to provide consistent antecedent basis with claim 1. The applicant has also amended independent claim 10 to indicated that the control data is more clearly identified as "software code, patches, or update". Dependent claim 13 has been amended to provide consistent antecedent basis with claim 10. Applicant has also amended independent claim 15 to indicated that the control data is more clearly identified as "software code, patch, or update".

The accessories of claims 1 and 15 and the method of claim 10 are arranged to enable proper and up-to-date control software to be provided to a communication device. *See Specification, paragraphs 13 and 27.* This enables new accessories to be introduced, or existing accessories to be improved, with the new or modified accessory software provided to the communication device by the accessory itself. *See Specification, paragraph 13 and 27.* The accessory memory comes pre-loaded with software, software patches, or software updates that enable a communication device to download and operate the "most up to date" software code. *See Specification, paragraph 14.* In this way, the accessory has the new or improved software code already stored in the accessory memory, without prior connection to the communication device. *See Specification, paragraph 14. ("New accessories may be released, after the release or purchase of the electronic device, that contain the most up to date control data"),* For example, a communication device may be sold with pre-stored software code. At a later time, a new accessory may be introduced, and the existing software code in the communication device is no longer up to date, and will not fully operate the new accessory. *See Specification, paragraph 13.* Using the claimed devices or method, new or improved software code is provided to the communication device

by the accessory itself. *See Specification, paragraph 14.* Stated differently, the accessory itself becomes the vehicle to distribute new or improved operating software to the communication device. More particularly, the accessory holds or stores the new or updated software code without ever having first connected to the communication device it may eventually operate with. For example, the accessory has the new or updated software code pre-stored when it is released. *See Specification, paragraph 14.* When the accessory is eventually connected to the communication device, then the new or improved software code may be transferred from the accessory to the communication device. *See Specification, paragraph 15.* After uploading the software code from the accessory, the communication device may use the new or improved software code to operate or control the accessory. *See Specification, paragraph 15.*

Grimmett fails to disclose or suggest any structure that has an accessory with memory configured to store control <u>software code, patches, or updates for use by the accessory's electronic device</u>. Instead, the Grimmett device has a portable radio 2 having a stored NAM 14 (Number Assignment Module). *See, Grimmett, col. 5, lns. 47-52.* When the portable radio 2 is connected to another cellular telephone 1, the cellular telephone is able to read the NAM 14 value from portable radio 2. *See, Grimmett, col. 5, ln. 65 to col. 6, ln. 5.* In this way, the cellular telephone is able to use the NAM of the portable radio when the two are connected. *See, Grimmett, col. 3, lns. 11-25.* The NAM is the full telephone number of the portable device, so is typically just its numeric phone number. *See, Grimmett, col. 2, lns. 7-11.* Accordingly, the NAM is not a <u>software code, a software patch, or a software update</u> as claimed.

The applicant also submits that Lee does not overcome the deficiencies cited for Grimmett, for reasons similar to those discussed in Section C above.

G. Response to Rejection of claims 5-9 and 20 under 35 USC §103

In paragraph 14 of the office action, the Examiner rejected claims 5-9 and 20 under 35 USC 103(a) as being unpatentable over Grimmett (USPN 5,259,018) in view of Peng (USPN 6,816,944). The applicant respectfully

submits that amended independent claims 5 and 20 have limitations that are not disclosed or suggested by Grimmett and Peng, either alone or in combination. Accordingly, the applicant believes that no prima facie case of obviousness can be sustained for claims 5-9 and 20.

The applicant has amended independent claim 5 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. Dependent claims 6 and 9 have been amended to provide consistent antecedent basis with claim 5. In a similar manner, applicant has amended independent claim 20 to indicated that the control data is more clearly identified as "software code, patch, or update". For the reasons similar to those discussed in Section F, above, the applicant submits that Grimmett fails to disclose all the limitations in independent claims 5 and 20, including limitations directed to storing control software code, patches, or updates in the accessory for use in controlling an associated electronic device. Further, the applicant submits that Peng does not overcome the deficiencies cited for Grimmett, for reasons similar to those presented in Section D above.

H. Response to Rejection of claims 21-23 under 35 USC §103

In paragraph 15 of the office action, the Examiner rejected claims 21-23 under 35 USC 103(a) as being unpatentable over Grimmett (USPN 5,259,018) in view of Lee (USPN 6,532,413) and further in view of Peng (USPN 6,816,944). The applicant respectfully submits that amended claims 21-23 have limitations that are not disclosed or suggested by Grimmett, Lee, and Peng, either alone or in combination. Accordingly, the applicant believes that no prima facie case of obviousness can be sustained for claims 21-23.

The applicant has amended independent claim 21 to indicated that the control data is more clearly identified as "software code, patch, or update", as set out in the Specification, for example, at pg. 14, par. 23, lns. 6-16, and at pg. 17, par. 27, lns. 5-9. For the reasons similar to those discussed in sections F above, the applicant submits that Grimmett fails to disclose all the limitations in claim 21.

The applicant also submits that Lee does not overcome the deficiencies cited for Grimmett, for reasons similar to those discussed in Section C above. Further, the applicant submits that Peng does not overcome the deficiencies cited for Grimmett, for reasons similar to those discussed in Section D above. Accordingly, the applicant respectfully submits that independent claim 21, and its dependent claims 22 and 23 are not rendered obvious over Grimmett in view of Lee and Peng.

I. Response to Rejection of claims 3,8,14 and 17 under 35 USC §103

In paragraph 16 of the office action, the Examiner rejected claims 3,8,14 and 17 under 35 USC 103(a) as being unpatentable over Grimmett (USPN 5,259,018) in view of Lee (USPN 6,532,413) and further in view of Nordwall (USPN 6,097,943).
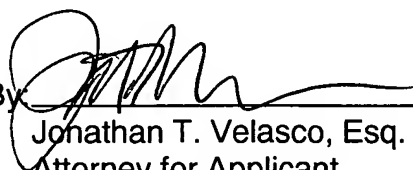
Each of the rejected claims depends from a claim that is now believed to be in a condition for allowance, and are therefore also allowable. Accordingly, the applicant respectfully submits that claims 3,8,14 and 17 are not rendered obvious over Grimmett in view of Lee and Nordwall.

J. Conclusion

For all the foregoing reasons, an allowance of claims 1-23 pending in the present application is respectfully requested.

Respectfully submitted,

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